

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00066

Barry Patrick Emmett,

Plaintiff,

v.

Paul Shroed et al.,

Defendants.

ORDER

Plaintiff Barry Patrick Emmett, a prisoner of the Texas Department of Criminal Justice proceeding pro se, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983 without paying the filing fee. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b).

On February 18, 2022, the magistrate judge issued a report recommending that the court bar the plaintiff from proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) and dismiss this case unless the plaintiff paid the filing fee within fifteen days. Doc. 3. A copy of the report was mailed to the plaintiff, who has not filed written objections or paid the filing fee.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The plaintiff is denied leave to proceed without payment, and this case is dismissed with prejudice for purposes of proceeding *in forma pauperis* under 28 U.S.C. § 1915(g)—but without prejudice as to the refiling of the lawsuit with payment of the full filing fee.

So ordered by the court on April 1, 2022.



J. CAMPBELL BARKER
United States District Judge